

**MINUTES OF THE PUBLIC MEETING
OF THE RHODE ISLAND ETHICS COMMISSION
REGULATION SUBCOMMITTEE B**

May 2, 2006

The Rhode Island Ethics Commission Regulation Subcommittee B held its 6th meeting following the conclusion of the regularly scheduled full Ethics Commission meeting on Tuesday, May 2, 2006 at the Rhode Island Ethics Commission conference room, located on the 8th floor of 40 Fountain Street, Providence, Rhode Island, pursuant to the notice published at the Commission Headquarters and at the State House Library.

The following subcommittee members were present:

**Barbara Binder, Vice Chair James C. Segovis
George E. Weavill, Jr., Secretary**

Also present were Senior Staff Attorney Katherine D'Arezzo and Staff Attorney Macall Robertson. At approximately 11:40 a.m., Vice Chair Binder opened the meeting.

**The Commissioners discussed the revised and new draft proposed regulations,
with corresponding memoranda, pertaining to R.I. Gen. Laws §§ 5(e),**

(n), and (o). The

Commissioners first reviewed the revised Draft Proposed Regulation A and whether to

remove the word “senior” to describe policy-makers. Senior Staff Attorney D’Arezzo

pointed out that this language mirrors the corresponding state provisions in section 5(n).

After discussion, the Commissioners agreed that the language for the municipal requirement should be the same as the state requirement.

Commissioner Weavill then suggested that subsection (b) of the proposal should apply to more than those persons being appointed to the title of municipal department director. Senior Staff Attorney

D’Arezzo noted that municipalities have different titles for such positions and suggested adding language to include those seeking positions equivalent to that of department director. Commissioner

Binder directed the Staff to draft an alternative to subsection (b) to include the equivalent of department director or chief of staff and expressed her concern that this subsection may miss a position. By

consensus, the Commissioners agreed to present the full Commission with two alternatives for subsection (b) of Draft Proposed Regulation A. The Commissioners next considered Draft

Proposed Regulation B and agreed by consensus that it should go forward as drafted.

Senior Staff Attorney D’Arezzo then informed that proposals A and B define employment more broadly than in the equivalent state

provisions in sections 5(n), 5(o), and Regulation 5007. She noted that the Commission may wish to draft a new regulation similarly defining employment for these state provisions, so as to avoid challenges as to interpretation. By consensus, the Commissioners directed the Staff to draft such a regulation. Senior Staff Attorney D'Arezzo also noted that the proposals include a definition of "municipal agency," which the Commission may wish to omit as the term is defined elsewhere in the Code.

Upon motion made by Commissioner Weavill, duly seconded by Commissioner
Binder, it was

VOTED: To approve the minutes of the Open Session meeting of the Ethics Commission Regulation Subcommittee B held on April 18, 2006.

AYES: Barbara Binder, George E. Weavill, Jr., and James C. Segovis.

The Commissioners next reviewed Draft Proposed Regulation C.
Staff Attorney

Robertson pointed out that subsection (c) applies to state departments, but that this term
is not defined in the Code or in the proposal. Commissioner Binder stated that

this provision is directed at the Governor's cabinet and

appointments, not all state

agencies. After review and discussion of Rhode Island General Laws §§ 42-6-1 and 42-

6-2, the Commissioners agreed by consensus to revise subsection (c) to apply to the directors of state departments appointed by the Governor and listed in § 42-6-2, as shall be amended from time to time. The Commissioners reviewed subsection (b) of this proposal and approved its revisions. The Commissioners made no revisions to subsection (a) of the proposal and approved it.

The Commissioners reviewed Regulation 5006 and discussed whether to amend it

to cover the situation faced in the complaint against Gene R. Noury. Commissioner Binder suggested accepting an amendment proposed by Staff Attorney Gramitt to include positions that require approval by the body of which an elected or appointed official is or was a member. By consensus, the Commissioners directed the Staff to provide this draft amendment to Regulation 5006 to the full Commission.

Staff Attorney Robertson summarized the six draft proposed regulations.

Commissioner Binder requested that the proposals provided to the full Commission

include only the draft language and a brief statement summarizing the proposal and its purpose. By consensus, the subcommittee

meeting adjourned at approximately 12:30 p.m.

Respectfully submitted,

Macall S. Robertson

Staff Attorney